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ENVIRONMENTAL PROTECTION  
LAND USE MANAGEMENT  
LAND USE REGULATION PROGRAM

Coastal Permit Program Rules

Proposed Amendments: N.J.A.C. 7:7-10.1, 10.2, 10.3, 10.4,  
10.6, 10.7

Authorized By: Bradley M. Campbell, Commissioner,  
Department of Environmental Protection

Authority: N.J.S.A. 12:5-3, 13:1D-9, 13:1D-29 et seq.,  
13:9A-1 et seq., 13:19-1 et seq.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement

DEP Docket Number:

Proposal Number:

A public hearing concerning the proposal will be held from 10:00 A.M. to close of comments on:

October 3, 2005  
Public Hearing Room, 1<sup>st</sup> Floor  
Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey

Submit written comments on this proposal by November 5, 2005, to:

Janis Hoagland, Esq.  
Attn.: DEP Docket No. \_\_\_\_\_  
Office of Legal Affairs  
Department of Environmental Protection  
PO Box 402  
Trenton, New Jersey 08625-0402

The Department of Environmental Protection (Department) requests that commenters submit comments on disk or CD as well as on paper. Submission of a disk or CD is not a

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requirement. The Department prefers Microsoft Word 6.0 or above. MacIntosh formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

A copy of the proposal is available on paper or on disk by calling the Department at (609) 633-7021. The rule proposal can also be found at the Department's website ([www.nj.gov/dep](http://www.nj.gov/dep)). The agency proposal follows:

### **Summary**

The Department of Environmental Protection is proposing amendments to the fee provisions of the Coastal Permit Program Rules (N.J.A.C. 7:7). As the Department has provided a 60 day comment period on this notice of proposal, this proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendments to the Coastal Permit Program Rules at N.J.A.C. 7:7-10 relate to the application fees for Waterfront Development permits (N.J.A.C. 7:7-10.2), Wetlands Act of 1970 (coastal wetlands) permits (N.J.A.C. 7:7-10.3), and Coastal Area Facility Review Act (CAFRA) permits (N.J.A.C. 7:7-10.4). In addition, new stormwater fees are proposed for waterfront development, coastal wetlands and CAFRA permits and permit modification applications for major developments that require review for compliance with the Department's Stormwater Management rules.

A State-run program may derive its funding from legislative appropriations, by directly charging those seeking a service through permit fees, or through a combination of both. The fees collected for land use permits such as those that are the subject of these amendments, affect those

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who develop property and those who purchase property. Property with permit and development approvals is more costly than property sold contingent upon receiving such approvals, since the property owner can recover the costs of obtaining a permit directly from the purchaser who will have the benefit of using the property, while funding through legislative appropriation is borne by all taxpayers.

The permit fees collected by the Department are intended to cover the review of a permit application and all associated services that support the permit review and permit related needs of the regulated community.

For example, the Department provides jurisdictional determinations to potential applicants so that they know, in advance of undertaking an activity, whether a permit is required for a proposed project. In some instances, where a permit is not required, no further involvement with the Department is necessary.

The Department participates in preapplication meetings to discuss apparent strengths and weaknesses and the procedures and policies that would apply to a particular development. This service is provided to prospective applicants so that their application to the Department is comprehensive and complete. In order to give complete and accurate information to a prospective applicant, Department staff member(s) prepare for a meeting by reviewing aerial photography and mapping to assess the existing site conditions, researching the history of the site and investigating the applicable rules pertinent to the application. The Department expends considerable time and resources preparing for, scheduling and conducting the preapplication meeting.

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The Department may be required to issue an emergency permit authorization in cases where it determines that there is an imminent threat to lives or property or that there is potential for severe environmental degradation if regulated construction activities are not immediately undertaken. An emergency permit authorization requires the Department to make an immediate site inspection of the project site in order to verify imminent danger and to issue the authorization. These Department activities are all required in advance of the submission, to the Department, of the appropriate application(s).

Jurisdictional determinations, preapplication meetings, emergency permit authorizations and other such services are an integral part of the coastal regulatory program and must be supported by the Department's permit fees. At this time, the permit fees collected by the Department amount to approximately 20 percent less than the cost to operate the coastal regulatory programs. In an effort to close this gap and avoid the need to increase dependence on legislative appropriations to fund this program, the Department is proposing to amend the fee schedule in order to increase the total fees collected by the coastal regulatory programs by 20 percent.

The Department is also proposing to establish additional fees for the review of waterfront development, coastal wetlands and CAFRA permit and modification applications which also require review pursuant to the Stormwater Management regulations, N.J.A.C. 7:8, which were promulgated in 2004. This fee, which will be assessed only for major developments as defined at N.J.A.C. 7:8-1.2, is proportional to the type, size, location and level of proposed development, and is discussed in greater detail below.

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### **N.J.A.C. 7:7 Coastal Permit Program Rules**

Proposed amendments to the application fees at N.J.A.C. 7:7-10.2 (waterfront development permits), N.J.A.C. 7:7-10.3 (coastal wetland permits), and N.J.A.C. 7:7-10.4 (Coastal Area Facility Review Act (CAFRA) permits and permit modification fees N.J.A.C. 7:7-10.6 would result in the increase of all existing application fees in the Coastal Permit Program Rules by approximately 20 percent. A review of the past 20 years of permit fees for the Coastal Permit Program shows that, in 1981, waterfront development fees were established as 1 percent of construction costs or a minimum of \$100. CAFRA permit fees were \$1,000 plus \$10 per acre for residential development or \$1,500 plus \$10 per acre for mixed development (residential plus commercial). In 1985, the fee for a coastal wetlands Type A permit was one-half of 1 percent of construction costs or a minimum of \$100, while the fee for a coastal wetlands Type B permit was one-half of 1 percent of construction costs or a minimum of \$300.

In 1990, the Department began regulating additional areas under the Waterfront Development Law, now commonly referred to as the "upland waterfront development area." Permit fees were established at \$250 for four residential dwelling units plus \$50 for each additional unit and \$500 plus one-half of 1 percent of construction costs up to \$1,500 for non-residential development. In 1992, these fees were increased and the Department established a \$250 permit fee for waterfront development general permits. At that time, CAFRA fees were established for residential development at \$3,000, plus: \$50 for up to 300 units, \$40 for 301 to 600 units and \$30 for more than 600 units. Non-residential development application fees were \$3,500, plus \$500 per acre included in the site plan. In 1993, the Department established CAFRA general permits and the fee for them was set at \$250. In 1994, the Department adopted

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rules to allow the payment of fees in three installments for certain applications. Also, in 1994, the Department capped the application fees for Waterfront Development and CAFRA permits at \$30,000, except where additional fees were necessary to cover the Department's costs based on the application review time and the estimated costs of determining compliance with permit conditions. In 2000, the Department amended the fees for mining, landfill, and park activities. In early 2002, the Legislature capped fees for all CAFRA permit applications at \$30,000 "except that a fee in excess of \$30,000 may be charged if the Department documents actual costs in excess of \$30,000 for the review and processing of an application and the estimated cost of determining compliance with the conditions of the permit." (N.J.S.A. 13:1D-33). In 2003, the Department amended N.J.A.C. 7:7-10.2, Application fees for Waterfront Development permits, to add at subsection (e) a fee for the request for a written determination of exemption from the permitting requirements. In addition, all fees were raised by 100 percent because the permit fees collected by the Department amounted to only 50 percent of the cost to review and issue decisions for waterfront development, coastal wetlands and CAFRA permits. Since CAFRA permit applications for all developments except for residential development were already capped at \$30,000, a cap in response to the Legislation was incorporated into the CAFRA fee provisions for residential development at N.J.A.C. 7:7-10.4(d) when amendments to the coastal fee rules were adopted in 2003 (see 35 N.J.R. 632(a) ).

### **Proposed Amendments**

The Department is proposing to amend N.J.A.C. 7:7-10.1, Purpose and Scope, in order to reference proposed new additional fees for Waterfront Development, coastal wetlands and CAFRA permits for major developments requiring stormwater review pursuant to N.J.A.C. 7:8.

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The Department is proposing to amend N.J.A.C. 7:7-10.2, Application fees for waterfront development permits, increasing all fees by 20 percent. The Department is also proposing to delete the sliding scale (N.J.A.C. 7:7-10.2(b)2) currently used to assess fees for larger residential developments and establish a base fee of \$7,200 plus \$120.00 per dwelling unit, regardless of the number of units. The sliding scale is no longer necessary due to the cap of \$30,000 on application fees for waterfront development permits. With the implementation of the proposed 20 percent increase in the base fee and per unit fees, a development of 190 ninety units would reach the \$30,000 cap. The Department is also proposing to make a correction at N.J.A.C. 7:7-10.2(b)3. The fee for non-residential development is calculated by applying a base fee plus a percentage of construction costs on an incremental scale. The 2003 fee amendments doubled the base fee but did not increase the increment based on the percent of construction costs. This was an oversight. The percent of construction costs are therefore proposed to be increased 120 percent, to bring them into line with the currently proposed base fee increases. The same adjustments to the incremental fees based on percent of construction costs are proposed at N.J.A.C. 7:7-10.2(c)2. The Department is also adding a cross-reference to the additional fees for permits requiring stormwater review proposed at N.J.A.C. 7:7-10.7.

The Department is proposing to amend N.J.A.C. 7:7-10.3, Application fees for Coastal Wetlands permits, by increasing the fees by 20 percent for applications pursuant the Wetlands Act of 1970 and is adding a cross-reference to the additional fees for stormwater review proposed at N.J.A.C. 7:7-10.7.

The Department is proposing to amend N.J.A.C. 7:7-10.4, Application fees for CAFRA permits by increasing all fees by 20 percent. The Department is also proposing to delete the

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sliding scale (N.J.A.C. 7:7-10.4(a)2) currently used to assess fees for residential developments and establish the base fee of \$7,200 plus \$120.00 per dwelling unit, for the reasons described previously with regard to waterfront development fees. The Department is also proposing to make the same correction described for waterfront development fees to the increments that are based on percent of construction costs. The Department is also adding a cross-reference to the additional fees for stormwater review proposed at N.J.A.C. 7:7-10.7.

The Department is proposing to amend N.J.A.C. 7:7-10.6, Application fees for requests for modifications of coastal permits, by increasing the fees for applications by 20 percent and is adding a cross-reference to the additional fees for stormwater review proposed at N.J.A.C. 7:7-10.7.

### **Additional Fees for Major Developments**

The Department is proposing new N.J.A.C. 7:7-10.7, Additional fees for major developments requiring stormwater review pursuant to N.J.A.C. 7:8. In February 2004, the Department promulgated new Stormwater Management rules at N.J.A.C. 7:8 (see 36 N.J.R. 670(a)). These rules set forth specific design, construction and maintenance standards that apply to any project that is a “major development,” which is defined at N.J.A.C. 7:8-1.2 as “any development that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more.”

Each application for a coastal permit submitted under the Coastal Permit Program Rules at N.J.A.C. 7:7 is reviewed for compliance with the Coastal Zone Management (CZM) rules at N.J.A.C. 7:7E. The CZM rules, N.J.A.C. 7:7E-8.7, require that any project or activity that meets the Stormwater Management rules’ definition of “major development” must meet the

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requirement of those rules. Approximately fifty percent of coastal project applications require stormwater review. The stormwater review typically involves a comprehensive review of stormwater facility and maintenance plans, construction details, in-depth narratives and alternative analyses, and detailed hydrologic and groundwater recharge calculations, necessary to demonstrate that the project meets the requirements of N.J.A.C. 7:8. Furthermore, certain major developments require review of impacts to the 300-foot Special Water Resource Protection Area that is established along Category One waters and certain tributaries pursuant to N.J.A.C. 7:8-5.5(h).

Before the Stormwater Management rules were promulgated, the Department performed basic stormwater reviews for many projects. However, the Stormwater Management rules contain standards that are significantly more comprehensive. The Department estimates that its engineering staff workload has doubled and its environmental staff workload has increased by approximately 25 percent as a result of the adoption of the Stormwater Management rules. Approximately 65 percent of stream encroachment applications now require some level of stormwater management review. Most applications require pre-application conferences, as well as an increased number of phone calls, letters and other communication in order to ensure projects will comply with the stormwater requirements. Project review times have therefore increased. Given the substantial increase in workload, the Department is proposing to establish fees for stream encroachment applications for major developments.

The proposed additional fees for development requiring stormwater review are proportional to the amount of development being proposed on a site and will be added to the applicable application review fee.

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The Stormwater Management rules contain four basic standards that must be addressed, depending on the location of the site and type of development: nonstructural stormwater management standards (N.J.A.C. 7:8-5.3), groundwater recharge standards (N.J.A.C. 7:8-5.4(a)2), runoff quantity standards (N.J.A.C. 7:8-5.4(a)3) and water quality standards (N.J.A.C. 7:8-5.5). As noted above some projects are also subject to a Special Water Resource Protection Area (N.J.A.C. 7:8-5.5(h)). The proposed fees in N.J.A.C. 7:7-10.7 are proportional to the amount of development being proposed on a site and will be added to the application review fee for Waterfront Development permits at N.J.A.C. 7:7-10.2, Coastal Wetlands permits at N.J.A.C. 7:7-10.3, CAFRA permits at N.J.A.C. 7:7-10.4 and modifications to coastal permit at N.J.A.C. 7:7-10.6.

Since all major developments are required under N.J.A.C. 7:8 to maximize the use of nonstructural methods in order to comply with the stormwater management standards, a base fee of \$2,000 is proposed for all major developments. The other three sets of stormwater management standards depend upon the type, size, location and level of development. A project could potentially be subject to none, some, or all of these standards.

To review for compliance with either the groundwater recharge standards or runoff quantity standards, projects disturbing up to 3 acres will be subject to an additional \$500.00 fee. Similarly, projects disturbing more than 3 acres and up to 10 acres will be subject to an additional \$1,000 fee, projects disturbing more than 10 acres and up to 100 acres will be subject to an additional \$2,000 fee and projects disturbing more than 100 acres will be subject to an additional \$4,000 fee to review for compliance with the either the groundwater recharge standards or runoff quantity standards.

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Since water quality standards must be met only for stormwater runoff from impervious surfaces, the proposed fees for the review of water quality calculations are related to the total area of impervious surface. Projects involving up to 1 acre of impervious surface will be subject to an additional \$500.00 fee for the review of water quality calculations. Similarly, projects involving more than 1 acre and up to 3 acres of impervious surface will be subject to an additional \$1,000 fee, projects involving more than 3 acres and up to 10 acres of impervious surface will be subject to assessed an additional \$2,000 fee and projects involving more than 10 acres of impervious surface will be assessed an additional \$4,000 fee for the review of water quality calculations.

An additional \$2,000 review fee is proposed for projects that would disturb vegetation within a Special Water Resource Protection Area. Such projects typically require the Department to evaluate alternative and functional-value analyses related to the impact of development on the riparian zone.

While multiple permits may be required for the same project, for example, a freshwater wetlands permit in accordance with N.J.A.C. 7:7A and a coastal permit, the Department will assess the stormwater review fees only once for each project, unless the project is redesigned or otherwise modified between permit applications. However, if an application requires review for only one of the four sets of stormwater management standards, and a subsequent application requires review of an additional or different standard, or proposes new encroachment into the Special Water Resource Protection Area, the base fee will be assessed once but each additional relevant stormwater component will be subject to a fee.

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Depending on the type, size, location and level of development on a site, the proposed stormwater review fees will add between \$2,000 and \$16,000 to the total coastal permit application review fees for a major development. Based on the average size of major development for which coastal applications were received in 2004, the Department estimates that the average stormwater review fee for a major development will be approximately \$4,500.

### **Social Impact**

The proposed amendments to increase permit fees for the coastal permitting program will have a positive social impact for New Jersey's taxpayers because the increased permit fees will reduce the need for higher taxes to support the legislatively mandated activities of the Department and will allow the Department to continue providing certain services to the regulated community. In addition, society as a whole benefits from the protection of the resources in the coastal zone. The continued protection of environmentally sensitive areas provides open space and beachfront areas for the benefit and enjoyment of the public. The amendments to increase the fees may also have a positive social impact if they discourage some applicants from pursuing construction in the coastal zone and instead pursue development in non-regulated areas that have existing infrastructure to support development and fewer environmental constraints. The proposed amendments will result in a negative social impact for the building industry because the amendments will increase the permitting costs for construction in environmentally sensitive areas. The larger fees may also result in higher costs for housing if the building industry passes the costs of the increased fees on to the individuals or businesses purchasing new homes or

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commercial buildings. However, such negative impact is minor in comparison to the positive impacts resulting from the protection of the coastal zone.

### **Economic Impact**

The proposed amendments to increase fees for coastal permits will have a positive economic impact on New Jersey's taxpayers because increased fees will reduce the need for higher taxes to support the legislatively mandated activities of the Department. To the extent that the proposed fee increases might discourage development in the coastal zone the amendments could have a positive economic impact in avoiding the costs that can be incurred for the maintenance or repair of buildings in areas that may be vulnerable to damage and flooding from coastal storms and high water, or to damage from settling, as well as mold, mildew and other moisture problems.

The proposed amendments may have a negative economic impact for the building industry because they will increase costs for construction in the coastal zone. However, the Department believes that, despite the increases, the permit fees still constitute a relatively small expense compared to the overall costs of developing in environmentally sensitive areas. In general, the number of coastal permit applications has been increasing each year. Each approval, separately or in combination, represents a development project of some type. Given that the number of permit applications generally increases each year, it seems safe to assume that, despite the permit fees, there is a substantial economic benefit accrued by the applicant or developer to pursue their proposed developments despite environmental constraints.

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The proposed fee increases may result in increased costs for housing if the building industry passes the cost of the fees on to the individuals or businesses purchasing new homes or office buildings.

### **Federal Standards Analysis**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995 c. 65) require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal Standards analysis.

The Federal Coastal Zone Management Act (P.L. 92-583) was signed into law on October 27, 1972. The Act does not set specific regulatory standards for development in the coastal zone; rather, it provides broad guidelines for states developing coastal management programs. The State's Coastal Management Program, meets the guidelines established under the Federal Coastal Zone Management Program. The State of New Jersey has obtained approval from the National Oceanic and Atmospheric Administration to implement its program under the Federal Coastal Zone Management Act. These guidelines are found at 15 C.F.R. Part 923. They include the basic components that must be included in a state's coastal zone management plan but do not set forth procedures by which individual activities within a State's coastal zone are to be regulated. Since there are no established Federal standards for permitting or the establishment of permit fees, there is no basis for comparison. Therefore, the Department has concluded that the coastal permit fee amendments do not exceed any Federal Standards or requirements.

### **Environmental Impact**

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The proposed amendments to increase fees for coastal permits will have a positive environmental impact by providing revenues to support the operation of the Department's regulatory programs for the protection of the State's important coastal resources.

At N.J.S.A. 13:19-2, the CAFRA provides that "New Jersey's bays, harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline or partially saline streams and tributaries and their adjoining upland fastland drainage area nets, channels, estuaries, barrier beaches, near shore waters and intertidal areas together constitute an exceptional, unique, irreplaceable and delicately balanced physical, chemical and biologically acting and interacting natural environmental resource called the coastal area.... It is further declared that the coastal area and the State will suffer continuing and ever-accelerating serious adverse economic, social and aesthetic effects unless the State assists, in accordance with the provisions of this act, in the assessment of impacts, stemming from the future location and kinds of developments within the coastal area, on the delicately balanced environment of that area." As stated previously, the Legislature also provided the Department with the authority to charge fees to support these goals.

### **Jobs Impact**

The proposed amendments are not expected to have any job impacts since, with the exception of the fees for stormwater management reviews, the amendments will increase already existing fees for development of environmentally sensitive properties. There are no changes in procedural requirements and no greater permitting restrictions or requirements that would result in the loss or gain of jobs relating to the construction or environmental consulting industries. The proposed rules are not expected to have any impact on the number of jobs in the State. It is

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possible that the smaller development companies may find the proposed fees cost prohibitive and seek employment outside the State of New Jersey.

### **Agriculture Industry Impact**

Pursuant to N.J.S.A. 52:14B-4, the Department evaluated this rulemaking to determine the nature and extent of the impacts of the proposed amendments on the agriculture industry. The proposed fee amendments will have no impact on agricultural activities. Agricultural activities would be subject to coastal permit requirements only if the activity met the definition of development. The proposed amendments will not result in any additional activities being regulated by the Waterfront Development, Wetlands Act of 1970 or CAFRA programs.

### **Regulatory Flexibility Analysis**

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that some of those builders and property owners that may be affected by the proposed amendments are "small businesses" as defined by the Regulatory Flexibility Act. The Coastal Permit Program Rules apply to anyone proposing regulated activities within the geographic scope of the New Jersey coastal zone. It is impossible for the Department to estimate the exact number of small businesses that own property that will be affected by the proposed amendments.

The proposed amendments will not impose additional reporting or record keeping requirements on small businesses. However, the proposed fees are based upon the type of permits being sought, which in turn are based on environmental impacts. Therefore, the proposed fee increases will generally have the same impact on a small business as on any other person (see Economic Impact above). Compliance with the proposed amendments will not result in permit

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applicants having to obtain professional services. Because the myriad of environmental resources in the coastal zone are important to all of the State's citizens, and these proposed amendments are necessary to provide the revenues to maintain appropriate review and protection of these resources, no lesser requirements for small businesses are provided.

### **Smart Growth Impact**

The Coastal Permit Program rules overall are consistent with the law and policy of New Jersey to promote smart growth and to reduce the negative effects of sprawl and disinvestments in older communities, as described in Executive Order No. 4 (2002). The rules discourage incompatible development of environmentally sensitive features, which are vital to the health and well-being of the present and future citizens of the State. The proposed permit application fee increases are consistent with smart growth policy since the fees are necessary to support the coastal regulatory program that ensures that development in environmentally sensitive areas, which is likely to have a greater environmental impact and related economic costs than development outside these areas, is closely scrutinized and, as appropriate, discouraged. Therefore, the proposed amendments comport with the goals of smart growth and implementation of the State Plan described in Executive Order No.4.

Full text of the proposed new rules and amendments follows (additions indicated in boldface thus;) deletions indicated in brackets [thus]:

## CHAPTER 7. COASTAL PERMIT PROGRAM RULES

### SUBCHAPTER 10. COASTAL PERMIT APPLICATION FEES

#### N.J.A.C. 7:7-10.1 Purpose and scope

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(a) This subchapter sets forth the fees for all coastal permit applications.

1 – 3. No change.

4. The standards for assessing a single permit fee for a single project requiring multiple permits including Waterfront Development, Coastal Wetlands, CAFRA, Freshwater Wetlands or Stream Encroachment permits are found at N.J.A.C. 7:7-10.5; [and]

5. No change.

6. The additional fees for Waterfront Development, Coastal Wetlands and CAFRA permits for major developments requiring stormwater review pursuant to N.J.A.C. 7:8 are found at N.J.A.C. 7:7-10.7.

(b) - (c) No change.

N.J.A.C. 7:7-10.2 Application fees for waterfront development permits

(a) The application fee for each of the following shall be [~~\$500.00~~] \$600.00:

1. – 2. No change.

(b) The application fee for any waterfront development taking place landward of the mean high water line shall be calculated as follows:

1. The fee for a residential development consisting of one or two dwelling units, as defined at N.J.A.C. 7:7-1.3, shall be [~~\$1,000~~] \$1,200 per unit. The fee for a residential development consisting of a single duplex shall be [~~\$1,000~~] \$1,200.

2. The fee for all other residential developments shall be [~~\$6,000~~] \$7,200 plus[:

i. ~~\$100.00~~] \$120.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7. [, for the first 300 units;

ii. \$80.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for units 301 to 600; and

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iii. \$60.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for all units in excess of 600.]

3. The fee for non-residential developments shall be calculated based on the following schedule, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

Construction Cost	Fees
\$0 to \$50,000	[\$2,900] <u>\$3,500</u> + [1/2 of one] <u>1.2</u> percent of construction costs
\$50,001 to \$100,000	[\$3,400] <u>\$4,100</u> + [one] <u>2.4</u> percent of construction costs above \$50,000
\$100,001 to \$200,000	[\$4,400] <u>\$5,300</u> + [1 1/4] <u>3</u> percent of construction costs above \$100,000
\$200,001 to \$350,000	[\$6,900] <u>\$8,300</u> + [1 1/2] <u>3.6</u> percent of construction costs above \$200,000
Greater than \$350,000	[\$11,400] <u>\$13,700</u> + [one] <u>2.4</u> percent of construction costs above \$350,000

4. The fee for mixed residential and non-residential development shall be the sum of the residential and non-residential development fee as calculated under (b)1 or 2 and 3 above.

(c) The application fee for all other waterfront developments taking place waterward of the mean high water line shall be as follows:

1. The fee for residential site improvements for a single private residential unit or duplex, including, but not limited to: shore structures (bulkheads, revetments and gabions) piers and docks, walkways and activities associated with a single private residential unit or duplex, shall be [\$500.00] \$600.00 plus one half of one percent of the construction cost above \$10,000.

2. The fee for all other activities requiring a waterfront development permit shall be based on

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the following schedule, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

Construction Cost	Fees
\$0 to \$50,000	[\$2,900] <u>\$3,500</u> + [1/2 of one] <u>1.2</u> percent of construction costs
\$50,001 to \$100,000	[\$3,400] <u>\$4,100</u> + [one] <u>2.4</u> percent of construction costs above \$50,000
\$100,001 to \$200,000	[\$4,400] <u>\$5,300</u> + [1 1/4] <u>3</u> percent of construction costs above \$100,000
\$200,001 to \$350,000	[\$6,900] <u>\$8,300</u> + [1 1/2] <u>3.6</u> percent of construction costs above \$200,000
Greater than \$350,000	[\$11,400] <u>\$13,700</u> + [one] <u>2.4</u> percent of construction costs above \$350,000

(d) No change.

(e) The fee for the review and processing of a request for a written determination of exemption from the Waterfront Development Law permitting requirements pursuant to N.J.A.C. 7:7-2.3(f) is [\$250.00] \$300.00.

N.J.A.C. 7:7-10.3 Application fees for Coastal Wetland permits

(a) The application fee for a Wetlands Act of 1970 permit ("Coastal Wetlands permit") shall be one percent of the construction costs, or a minimum of [\$500.00] \$600.00 for residential dock construction associated with a single family or duplex dwelling unit, and a minimum of [\$500.00] \$600.00, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7 for all other regulated developments.

(b) The application fee for review of a coastal general permit application pursuant to N.J.A.C.

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7:7 shall be [~~\$500.00~~] \$600.00

N.J.A.C. 7:7-10.4 Application fees for CAFRA permits

(a) The application fee for residential developments requiring a CAFRA permit shall be calculated as follows:

1. The fee for a residential development consisting of one or two dwelling units, as defined at N.J.A.C. 7:7-1.3, shall be [~~\$1,000~~] \$1,200 per unit. The fee for a residential development consisting of a single duplex shall be [~~\$1,000~~] \$1,200.

2. The fee for all other residential developments shall be [~~\$6,000~~] \$7,200 plus[:

i. ~~\$100.00~~] \$120.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7.], for the first 300 units;

ii. \$80.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for units 301 to 600; and

iii. \$60.00 per dwelling unit, as defined at N.J.A.C. 7:7-1.3, for all units in excess of 600.]

(b) The fee for non-residential developments requiring a CAFRA permit shall be calculated as follows:

1. The fee for commercial, public or industrial development located on a beach or dune or located between the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, and a point 150 feet landward of the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, shall be calculated based on the following schedule, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7:

Construction Cost	Fees
\$0 to \$50,000	[ <del>\$2,900</del> ] <u>\$3,500</u> + [1/2 of one] <u>1.2</u> percent of construction costs

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\$50,001 to \$100,000    [~~\$3,400~~] \$4,100 + [one] 2.4 percent of construction costs above \$50,000

\$100,001 to \$200,000    [~~\$4,400~~] \$5,300 + [1 1/4] 3 percent of construction costs above  
\$100,000

\$200,001 to \$350,000    [~~\$6,900~~] \$8,300 + [1 1/2] 3.6 percent of construction costs above  
\$200,000

Greater than \$350,000    [~~\$11,400~~] \$13,700 + [one] 2.4 percent of construction costs above  
\$350,000

2. The fee for commercial, public or industrial developments located beyond 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, shall be [~~\$7,000~~] \$8,500 plus [~~\$1,000~~] \$1,200 per acre included in the site plan, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7, except as provided at (b)2i through iv below.

i. For a proposed linear development, the fee shall be [~~\$7,000~~] \$8,500 plus [~~\$1,000~~] \$1,200 per acre to be disturbed . For the purposes of this section, "linear development" means land uses such as roads, railroads, sewerage and stormwater management pipes, gas and water pipelines, electric, telephone and other transmission lines and the rights-of-way therefor, which have the basic function of connecting two points. Linear development shall not mean residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, or internal circulation roads[.];

ii. For a proposed mining operation, as defined at N.J.A.C. 7:7E-7.8, the fee shall be [~~\$7,000~~] \$8,500 plus [~~\$200.00~~] \$250.00 per acre disturbed[.];

iii. For a proposed development associated with a solid waste landfill the fee shall be [~~\$7,000~~]

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\$8,500[.];

iv. For a proposed public development to be located entirely within a publicly owned park or recreation area, the fee shall be [~~\$7,000~~] \$8,500 plus [~~\$200.00~~] \$250.00 per acre disturbed[.]

3 – 5. No change.

(c) – (d) No change.

(e) The application fee for the review of a coastal general permit application pursuant to N.J.A.C. 7:7-7 shall be [~~\$500.00~~] \$600.00.

(f) The application fee for the review and processing of a request for an exemption letter certifying that a development is exempt from the requirements of CAFRA shall be [~~\$250.00~~] \$300.00.

N.J.A.C. 7:7-10.6 Application fees for requests for modifications of coastal permits

(a) The fees for requests to modify coastal permits in accordance with N.J.A.C. 7:7-4.10 and 7.3(a) are as follows:

1. The fee for a minor modification to a Waterfront Development, Coastal Wetlands, or CAFRA permit is [~~\$200.00~~] \$250.00;

2. The fee for a major modification to an Upland Waterfront Development or CAFRA permit is 20 percent of the total original permit application fee, with a minimum fee of [~~\$500.00~~] \$600.00 and a maximum fee of [~~\$10,000~~] \$12,000, plus, as applicable, the additional fee for major development set forth at N.J.A.C. 7:7-10.7; and

3. The fee for a modification of a coastal general permit is [~~\$200.00~~] \$250.00.

N.J.A.C. 7:7-10.7 Additional fees for major development requiring stormwater review pursuant to N.J.A.C. 7:8

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(a) The additional fees for a Waterfront Development, Coastal Wetlands or CAFRA permit or modification that, in accordance with N.J.A.C. 7:7E-8.7, requires review pursuant to the Stormwater Management Rules, N.J.A.C. 7:8, are as follows:

1. Base fee for any major development: \$2,000

2. Additional fee for the review of groundwater recharge calculations, pursuant to N.J.A.C. 7:8-5.4(a)2, per land area disturbed by the project:

- i. Up to 3 acres: \$500
- ii. More than 3 acres and up to 10 acres: \$1,000
- iii. More than 10 acres and up to 100 acres: \$2,000
- iv. More than 100 acres: \$4,000

3. Additional fee for the review of runoff quantity calculations, pursuant to N.J.A.C. 7:8-5.4(a)3, per land area disturbed by the project:

- i. Up to 3 acres: \$500
- ii. More than 3 acres and up to 10 acres: \$1,000
- iii. More than 10 acres and up to 100 acres: \$2,000
- iv. More than 100 acres: \$4,000

4. Additional fee for the review of water quality calculations, pursuant to N.J.A.C. 7:8-5.5, per area of impervious surface under review:

- i. Up to 1 acre: \$500

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- ii. More than 1 acre and up to 3 acres: \$1,000
- iii. More than 3 acres and up to 10 acres: \$2,000
- iv. More than 10 acres: \$4,000

5. Additional fee if any vegetation is disturbed within a special water resource protection area, pursuant to N.J.A.C. 7:8-5.5(h): \$2,000.

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Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order 27 (1994), permit the public to understand accurately and plainly the purpose and expected consequences of these proposed amendments. I hereby authorize this proposal.

\_\_\_\_\_  
Date

\_\_\_\_\_  
BRADLEY M. CAMPBELL  
Commissioner